



# LANGLEY LAW CENTER

**633 ABW/JA  
33 Sweeney Blvd  
Langley AFB VA 23665  
757-764-3277 or DSN 574-3277**

To fill out an online Will worksheet or Power of Attorney worksheet, visit  
<https://aflegalassistance.law.af.mil>  
and bring your ticket number to the Langley Law Center.

## LAST WILL & TESTAMENT INFORMATION GUIDE

1. Wills are completed during the following walk-in legal assistance hours:

<b>Mon</b>	<b>1400-1600</b>
<b>Wed</b>	<b>0830-1030</b>
<b>Thurs</b>	<b>1200-1400</b>

2. After your legal documents have been drafted, schedule an appointment (before you leave) for the will execution ceremony for one of the following dates and times:

<b>Wed</b>	<b>1045 or 1115</b>
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3. Attached is a "Frequently Asked Questions" guide. Please consult this prior to filling out the will worksheet.
4. Our office can assist you with your Will, Living Will, Medical Power of Attorney and Durable General Power of Attorney.
5. If you have any questions, please do not hesitate to contact us at 757-764-3277 or DSN 574-3277.

## 633 ABW/JA Frequently Asked Questions

### WHAT IS MY STATE OF LEGAL RESIDENCE?

Legal residence, or domicile, is important because the law of your domicile will control many of the legal aspects of your will. The state of your legal residence is the state you consider your home. If you are military, you may consider a state other than the one in which you are stationed to be your home. If you are retired or you are a civilian, the state in which you live is probably your home. If you have questions about your domicile, you should ask your legal assistance attorney.

### WHO SHOULD I NAME AS MY EXECUTOR?

The executor, or personal representative, is the person who will administer your estate. This person will pay off your creditors and distribute what is left to the people you have chosen as your beneficiaries. You may choose any competent adult to be your executor. It is also wise to choose an alternate executor in case the first person you choose predeceases you or is unable to take on the responsibility.

### WHO SHOULD I NAME AS MY GUARDIAN?

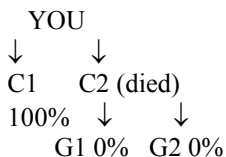
If you have children under the age of 18, you should choose someone who you would like to nominate as a guardian and alternate guardian to take care of them should you and the child(ren)'s other parent die. Your surviving spouse (or, if divorced, the child's other biological parent) will *usually* automatically be given custody of the child(ren) after your death. If you fail to name a guardian, the court will appoint one for you.

### DO I NEED A TRUST IN MY WILL?

If your child(ren) are minors, the laws of nearly all states prevent them from receiving any property unless you make special arrangements in your will. One option is to leave the property with a trusted person who will use it to the benefit of your child(ren). A better option is to specifically create a provision in your will that leaves all decision-making authority about what to do with the minors' inheritance with the executor. Another better option is to name a trustee and direct that a trust be established with your child(ren) as beneficiaries. In either of these last two examples, your executor or trustee could, at any time: distribute the inheritance to the beneficiary; use it for the health, education, maintenance and support of the beneficiary; distribute it to the guardian or other legal representative of the beneficiary; or pass it under a uniform gifts to minors act in care of a custodian. Your legal assistance attorney can advise you on these differences.

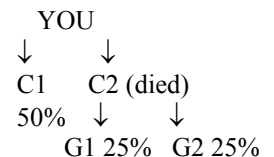
### WHAT IS THE DIFFERENCE BETWEEN PER STIRPES AND PER CAPITA?

#### Scenario 1 -- Per Capita



If you choose to divide your property among a group of people, there are varying ways to provide for the distribution. The first way is to have your property divided equally among those members of the group who survive you. That is, if one member predeceases you, his or her share will be divided equally among the remaining members of the group (Scenario 1—*per capita*). Another method allows your property to pass to the deceased member's descendants (Scenario 2—*per stirpes*). This means that if one of your children should predecease you, your grandchildren will be provided for in your child's stead.

#### Scenario 2 -- Per Stirpes



### WHAT ABOUT MY LIFE INSURANCE?

A will has no effect on your SGLI or any other life insurance policy. A life insurance policy is a contract between you and the insurance company. To make changes in who receives your life insurance benefits, you must contact your life insurance company directly. If you desire that your SGLI fund a trust that you create in your will or through your bank, you must do so by using specific language on your SGLI Form. For further details, consult your legal assistance attorney. However, please be advised that changes to SGLI cannot be made through the legal office.

# 633 ABW/JA WILL WORKSHEET

**PRIVACY ACT STATEMENT:** AUTHORITY: 5 U.S.C. § 552a. PRINCIPAL PURPOSE: To assist in the drafting of wills and other legal documents. ROUTINE USE: This confidential data will be used by 633 ABW/JA to prepare wills, with no dissemination outside the legal office. DISCLOSURE IS VOLUNTARY.

## PERSONAL DATA

Full Name (First, Middle, Last): \_\_\_\_\_  
State of Legal Residence: \_\_\_\_\_ *\*(We cannot draft wills for residents of Louisiana or foreign countries)*  
Current Residential Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Work Phone Number: \_\_\_\_\_

Military Status: ☐ Active Duty ☐ Spouse of Active Duty Member  
☐ Family Member ☐ Retired ☐ Civilian

Marital Status: ☐ Single ☐ Married (First Marriage? Yes / No) ☐ Widowed ☐ Divorced

Full Name of Spouse: \_\_\_\_\_ Spouse's Phone Number: \_\_\_\_\_

Names and Ages of Children:	Age	Male/Female	Natural/Adopted/Stepchild
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Would you like your will to treat your adopted/stepchildren the same as your biological children? ☐ Yes ☐ No

## ESTATE VALUE

Is the estimated value of your estate (including the value of life insurance policies) more than \$1,000,000?

- ☐ No  
☐ Yes. An estate over the amount of \$1,000,000 is considered a complex estate and is outside the scope of our legal assistance. You should consult an attorney who specializes in estate planning in your state of legal residence.

## BENEFICIARIES

### REAL PROPERTY

Do you own: ☐ Real Estate ☐ Personal Business ☐ Farm ☐ None of the Above

If yes, do you want these items: ☐ To pass with the rest of my estate (known as the residuary estate—see below)  
☐ To be given to specific people (please list the assets and to whom they will go:)

Asset: _____	Beneficiary: _____	Relationship: _____	%Share: _____
Asset: _____	Beneficiary: _____	Relationship: _____	%Share: _____

### PERSONAL PROPERTY

To whom do you want to give your **personal property** (clothes, furniture, jewelry, vehicles, etc.)?

☐ Spouse ☐ Pass with the rest of my estate ☐ Other:

Asset: _____	Beneficiary: _____	Relationship: _____	%Share: _____
Asset: _____	Beneficiary: _____	Relationship: _____	%Share: _____

### CASH

Do you want to give **cash** to someone (other than the primary beneficiaries) before dividing all of your assets? ☐ Yes ☐ No

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ \$ Amount: \_\_\_\_\_

## RESIDUARY ESTATE

**Primary Beneficiaries:** To whom do you want to leave your **residuary estate** (everything left that you own not named above)?

☐ To my spouse if he/she survives me, and if not, then to my children. **OR:**

☐ Other: List name, relationship and percent that person will receive:

Name: _____	Relationship: _____	%Share: _____
Name: _____	Relationship: _____	%Share: _____
Name: _____	Relationship: _____	%Share: _____

CURRENT AS OF SEPTEMBER 2010

**First Alternate Beneficiaries:** If one or all of the primary beneficiaries do not survive you, whom do you want to receive your residuary estate? ☐ **The remaining beneficiaries** ☐ **The children of the deceased beneficiaries** ☐ **Someone else:**

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ %Share: \_\_\_\_\_  
Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ %Share: \_\_\_\_\_

**Second Alternate Beneficiaries:** If one or all of the first alternate beneficiaries do not survive you, whom do you want to receive your residuary estate? ☐ **The remaining beneficiaries** ☐ **The children of the deceased beneficiaries** ☐ **Someone else:**

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ %Share: \_\_\_\_\_  
Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ %Share: \_\_\_\_\_

### EXECUTOR / EXECUTRIX

Whom do you want to serve as your Executor (or "personal representative" in some states) to gather the assets of your estate, pay off your creditors, and distribute the remainder to your beneficiaries?

Primary: \_\_\_\_\_ Relationship: \_\_\_\_\_  
First Alternate: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Second Alternate: \_\_\_\_\_ Relationship: \_\_\_\_\_

### GUARDIANS

If your children are minors when you die, *and the other biological parent is not alive or cannot act as guardian*, you may appoint someone to act as legal guardian of the children.

Primary: \_\_\_\_\_ Relationship: \_\_\_\_\_  
First Alternate: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Second Alternate: \_\_\_\_\_ Relationship: \_\_\_\_\_

### PROPERTY MANAGEMENT FOR MINORS

If you leave property to minor children, you must choose one of the following options:

- (1) I want to give my Executor broad power and discretion to decide the best manner to distribute property to my minor child(ren). My Executor may establish accounts under the Uniform Gifts to Minors Act or Uniform Transfers to Minors Act; he/she may establish a trust for the benefit of my child(ren); and he/she may distribute money and property to the guardian or custodian of the child(dren) for the benefit of the child(ren). ☐ **Yes** ☐ **No**

**My Executor will manage the property and give the remainder to my child(ren) at age:** ☐18 ☐19 ☐20 ☐21

OR

- (2) I want to establish a testamentary trust (trust in your will) in which my assets will be held by a designated Trustee until my child(ren) reach an age I shall specify. The Trustee may use the trust's assets to benefit the health, welfare, and education of the child(ren). ☐ **Yes** ☐ **No**

**Whom do you want to serve as your Trustee?**

Primary: \_\_\_\_\_ Relationship: \_\_\_\_\_  
First Alternate: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Second Alternate: \_\_\_\_\_ Relationship: \_\_\_\_\_

**My Trustee will manage the property and give the remainder to my child(ren) at age:** ☐18 ☐19 ☐20 ☐21

*Please note that if you want to create a trust for a minor that is separate and apart from your will, you will need to consult your bank and see an estate planning attorney.*

### ADVANCE MEDICAL DIRECTIVES

**Living Will:** Instructs your physician to withhold or withdraw life-sustaining procedures if you become terminally ill, are in a coma, or are in a persistent vegetative state with no reasonable likelihood of recover. **Do you want a Living Will?** ☐ **Yes** ☐ **No**

**Durable Power of Attorney (POA) for Health Care Decisions:** Names an agent to make medical decisions for you if you are unable to make these decisions yourself. Becomes effective only upon your incapacitation. **Do you want a DPOA?** ☐ **Yes** ☐ **No**

Primary Agent: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Phone: \_\_\_\_\_ Address: \_\_\_\_\_  
Alternate Agent: \_\_\_\_\_ Relationship: \_\_\_\_\_  
Phone: \_\_\_\_\_ Address: \_\_\_\_\_

*CURRENT AS OF SEPTEMBER 2010*

Do you want to donate organs? ☐ No ☐ Yes, but only for transplant purposes  
☐ Yes, for any purpose, including medical/educational/ scientific purposes

Do you wish to express your preference to die at home rather than in a hospital? ☐ Yes ☐ No

### FUNERAL ARRANGEMENTS

Do you wish to express your desires regarding funeral arrangements? ☐ Yes ☐ No

Please check all that apply: ☐ Cremation ☐ Burial ☐ w/Military Honors (applies to cremation as well as burial)  
☐ Other: \_\_\_\_\_

*Please note that while desired funeral arrangements may be expressed in the will, they serve only as a means of informing your family of your desires, and are not legally binding. If you have particular wishes regarding place or manner of funeral arrangements (such as specific religious observances or final resting place/plot), it is best to arrange these in advance and prepay for those services.*

### DURABLE GENERAL POWER OF ATTORNEY

**Durable General Power of Attorney:** Appoints an agent to handle your personal affairs if you become incapacitated. This includes financial matters. Do you want a durable general power of attorney? ☐ Yes ☐ No

☐ Same agents as DPOA for Health Care

Primary Agent: \_\_\_\_\_ Relationship: \_\_\_\_\_

Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Alternate Agent: \_\_\_\_\_ Relationship: \_\_\_\_\_

Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Certain powers require special mention in order to be effective. Please select the additional powers, if any, that you wish to grant to your agent (check all that apply):

- ☐ **Businesses:** to authorize the sale of a business
- ☐ **Real property:** to deal with financial matters affecting a specific parcel of real estate (e.g. sale/purchase)
- ☐ **Gifts:** to make cash and other gifts in your name  
Limited to \$10,000/year? ☐ Yes ☐ No  
Limited to immediate family? ☐ Yes ☐ No
- ☐ **Disclaim bequests or transfers to you:** to minimize tax consequences or eligibility for federal aid
- ☐ **Trusts:** to make contributions or revocations to/from an already existing trust
- ☐ **IRAs & Retirement Accounts:** to manage, contribute, and withdraw, as needed
- ☐ **Taxes:** to deal with federal, state and local tax matters

*Thank you for visiting the 633 ABW/JA Legal Office. Filling out this form prior to your legal assistance consultation will greatly assist the attorney in preparing your will and any associated documents. If you have specific questions about this worksheet, please consult the attached "Frequently Asked Questions" guide and your legal assistance attorney.*

